

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRYANT ANTHONY BYRD,

Plaintiff,

v.

**9:16-CV-1369
(FJS/DJS)**

**JON MILLER, Facility Medical Director,
Coxsackie Correctional Facility,**

Defendant.

APPEARANCES

BRYANT ANTHONY BYRD

15-B-3082

Groveland Correctional Facility
7000 Sonyea Road
Sonyea, New York 14556
Plaintiff *pro se*

OF COUNSEL

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol
Albany, New York 12224
Attorneys for Defendant

MATTHEW P. REED, AAG

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this civil rights action pursuant to 42 U.S.C. § 1983, alleging that Defendant was deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. *See generally* Dkt. No. 1, Complaint. Defendant filed a motion for summary judgment pursuant to Rule 56(a) of the Federal Rules of Civil Procedure. *See* Dkt. No. 24. Plaintiff opposed the motion. *See* Dkt. No. 28. In a Report-Recommendation and Order dated September 27, 2018, Magistrate Judge Stewart recommended that this Court grant Defendant's motion and dismiss this case.

See Dkt. No. 30 at 11. The parties did not file any objections to those recommendations.

"When a party does not object to a magistrate judge's recommendations, the court reviews those recommendations for clear error or manifest injustice." *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, *1 (N.D.N.Y. July 25, 2018) (citation omitted). "After conducting this review, 'the Court may "accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'"'" *Id.* (quoting [*Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009)] (quoting 28 U.S.C. § 636(b)(1)(C))).

Having reviewed Magistrate Judge Stewart's Report-Recommendation and Order for clear error and manifest injustice, and finding none, the Court hereby

ORDERS that Magistrate Judge Stewart's September 27, 2018 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendant's motion for summary judgment, *see* Dkt. No. 24, is **GRANTED** and Plaintiff's complaint, *see* Dkt. No. 1, is **DISMISSED in its entirety with prejudice**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: October 29, 2018
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge